



November 11, 2020

HCV PROGRAM NEWS

HUD Extends Comment Period for HOTMA Proposed Rule

The Department of Housing and Urban Development ([HUD](#)) [announced](#) today in the *Federal Register* that it has extended the comment period for its [proposed rule](#) to implement several of the provisions of the Housing Opportunity through Modernization Act of 2016 ([HOTMA](#)) that impact the Housing Choice Voucher ([HCV](#)) and Project-Based Voucher ([PBV](#)) programs.

Comments on the proposed rule were originally due on December 7, 2020. However, through today’s announcement, dated November 12, HUD is extending the comment period for an additional 30 days. The new deadline for comments is now **January 6, 2021**.

As you recall, the propose regulation, published on October 8, 2020, would codify HOTMA provisions that have been implemented through notices published in the *Federal Register*, implement several HOTMA provisions that have not yet been implemented, make several changes to regulatory provisions not related to HOTMA, and eliminate obsolete regulatory provisions.

GENERAL NEWS

HUD Announces Relief from Requirements to Assist with Disaster Recovery

HUD also published today in the *Federal Register* a [notice](#) announcing the availability of relief from HUD public housing and Section 8 requirements to public housing authorities (PHAs) to assist with recovery and relief efforts for families affected by presidentially declared major disasters. PHAs located in areas that currently have presidentially declared major disaster declarations (MDDs) may request waivers of certain HUD public housing and Section 8 requirements and receive expedited review of their requests.

The notice, dated November 12, describes the flexibilities currently available to MDD PHAs, which include public housing units with approved vacancies. It also provides the instructions for submitting waiver requests. The notice states that “this document announces the waivers and flexibilities set out in this document as of the date of signature.” The notification applies only to MDDs during calendar year (CY) 2020 and CY 2021.

HUD Posts FAQs on REAC Inspections During COVID-19

Today on the [Public and Indian Housing COVID-19 Resources](#) webpage, HUD posted a document titled [Frequently Asked Questions on REAC Inspections](#). The 19-page guide, dated November 11, 2020, addresses 56 frequently asked questions (FAQs) pertaining physical inspections of HUD Multifamily and public housing properties during the COVID-19 pandemic. Some of the topics covered are as follows:

- Resuming uniform physical condition standards (UPCS) inspections
- Scheduling phase of inspections
- Inspection day
- Inspection results
- Public housing properties
- UPCS inspectors

As you recall, on August 7, 2020, HUD [announced](#) its intention to resume physical inspections of HUD Multifamily and public housing properties using safety protocols as the COVID-19 continues. Real Estate Assessment Center ([REAC](#)) inspections were paused in March 2020 due to the outbreak. You can find the link to the FAQs and other COVID-19 resources on [this page](#) at HUD’s website.

DHS Public Charge Rule Currently in Effect Nationwide

The Department of Homeland Security ([DHS](#)) public charge rule is back in effect nationwide. On November 2, 2020, the U.S. District Court for the Northern District of Illinois Eastern Division [vacated](#) the final rule. However, on November 3, 2020, the Seventh Circuit Court of Appeals ruled that the government should be able to continue enforcing the rule. [USCIS](#) will apply the public charge final rule for applications submitted on or after Feb. 24, 2020.

On August 14, 2019, HUD published a [final rule](#) in the *Federal Register*, which prescribes how DHS will determine whether an alien applying for admission or adjustment of status is inadmissible to the United States under section 212(a)(4) of the Immigration and Nationality Act (INA or the Act), because he or she is likely at any time to become a public charge. *Public charge* means likely to become dependent on government assistance under section 212(1)(4) of the INA.

The rule expanded the list of public programs considered in making a public charge determination from TANF, Supplemental Security Income (SSI), and emergency-Medicaid to include these additional programs: Section 8 Housing Choice Voucher, Section 8 Project-Based Rental Assistance, Supplemental Nutrition Assistance Program (SNAP, or food stamps), and Medicaid, with exceptions for emergency services, pregnant women and children.



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